

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

TRAVELERS CASUALTY AND SURETY COMPANY
as Administrator for RELIANCE INSURANCE
COMPANY,

Plaintiff,

-against-

DORMITORY AUTHORITY - STATE OF NEW YORK,
TDX CONSTRUCTION CORP. and KOHN PEDERSEN
FOX ASSOCIATES, P.C.,

Defendants.

X

: 07 Civ. 6915 (DLC)

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: **DECLARATION OF**
: **PETER CATALANO**
: **IN SUPPORT OF**
: **MOTION TO DISMISS**

:

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X

I, Peter Catalano, under penalty of perjury under the laws of the United States of America and pursuant to 28 U.S.C. § 1746, declare that the following is true:

1. I am employed by Kohn Pedersen Fox Associates, P.C. ("KPF"), one of the defendants in the within action. I am fully familiar with the facts stated herein.

2. I respectfully submit this Declaration on behalf of KPF's motion, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, seeking a dismissal of the Complaint brought by Plaintiff Travelers Casualty and Surety Company.

3. Attached as Exhibit "A" is a true and exact copy of Plaintiffs' Summons and Complaint, dated August 1, 2007.

4. Attached as Exhibit "B" is a true and exact copy of the Agreement between KPF and the New York State Dormitory Authority, executed by the parties on September 14 and October 11, 1995, respectively, in connection with the Baruch College – Site B project.

5. The arguments setting for why the action should be dismissed as against KPF are contained within the accompanying Memorandum of Law.

6. For the reasons set forth within the Memorandum of Law, and based upon the exhibits attached hereto, KPF respectfully requests that the Complaint be dismissed as against it, and further requests that this Court grant an order for costs and for such other, further and different relief as this Court may deem just and proper.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements are willfully false, I am subject to punishment.

Dated: New York, New York
September 27, 2007


PETER CATALANO